



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/579,787

05/18/2006

Jacob Navntoft

006921.00011

3973

22907 7590 09/15/2008

BANNER & WITCOFF, LTD.

1100 13th STREET, N.W.

SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

WANG-HURST, KATHY W

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,787	Applicant(s) NAVNTOFT, JACOB	
	Examiner KATHY WANG-HURST	Art Unit 4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/19/2008, 6/7/2007, and 5/18/2006</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Preliminary amendment received on 5/18/200 have been entered. Claims 1-15 are pending for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 8-10 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulveland (US 6215993), cited in applicant's IDS.

Regarding claim 1, Ulveland discloses a communication apparatus having a first housing member (Fig. 2 item 40),
a second housing member pivotally coupled to said first housing member (Fig. 2 item 50),
a controller operable in a plurality of operation states (Fig. 1 item 12), and
a detector associated with said first and second housing members (Fig. 1 item 60), and connected to said controller (col. 3 lines 47-48),
said detector being adapted to detect an angle position related to said first and second housing members and supply an angle position detection signal to said controller (col. 3 lines 45-47),

Art Unit: 4173

and

said controller being adapted to enter a first operating state when said angle position detection signal represents an angle position within a first interval (col. 4 line 63-col. 5 line 1, from closed position to preview position), a second operating state when said angle position detection signal represents an angle position within a second interval (col. 4 line 63-col. 5 line 1, from preview position to trigger position), and a third operating state when said angle position detection signal represents an angle position within a third interval (col. 4 line 63-col. 5 line 1, from trigger position to open position), wherein said controller is further adapted to control reception of an incoming call by rejecting said incoming call upon a transition from said second state to said first state (col. 4 line 65-col. 5 line 1, not accept call if the cover is opened to preview position but not reached to trigger point), or accepting said incoming call upon a transition from said second state to said third state (col. 4 lines 63-65, accept call if the cover passes trigger point).

Regarding claim 2, Ulveland discloses the communication apparatus of claim 1, wherein the detector comprises a means provided with one or more cams and one or more electromechanical switches, said cams being adapted to actuate said one or more electromechanical switches to generate said angle position detection signal directly representing said angle position interval (col. 3 lines 45-56).

Regarding claim 3, Ulveland discloses the communication apparatus of claim 1, wherein

Art Unit: 4173

said controller is adapted to accept said incoming call upon said transition from said second state to said third state after a transition from said first state to said second state, wherein said controller is adapted to provide caller information when in said second state (col. 4 lines 56-62).

Regarding claim 4, Ulveland discloses the communication apparatus according to claim 1, wherein said first state is a state in which said first and second housing members are essentially folded up (col. 4 lines 1-2).

Regarding claim 5, Ulveland discloses the communication apparatus according to claim 1, wherein said detector comprises a hall sensor (col. 3 line 55).

Regarding claim 6, Ulveland discloses the communication apparatus according to claim 1, wherein said detector comprises an electromechanical switch (col. 3 lines 50-56 detector comprises mechanical switches and a position sensor such as Hall sensor, magnetic sensor or optical sensor).

Regarding claim 7, Ulveland discloses a method for operating a communication apparatus having a first housing member (Fig. 2 item 40) and a second housing member pivotally coupled to said first housing member (Fig. 2 item 50), said method comprising detecting an angle position related to said first and second housing members (col. 3 lines 45-47);

Art Unit: 4173

entering a first, second and third state of said communication apparatus related to a first, second, and third interval of said angle position respectively (col. 4 lines 1-16); receiving a phone call (col. 4 line 58), comprising the sub-steps of unfolding said communication apparatus from said first state to said second state (col. 4 lines 5-8); displaying caller information (col. 4 line 5-8); and rejecting said phone call by folding said communication apparatus to said first state (col. 4 line 11-14);

or

accepting said phone call by further unfolding said communication apparatus to said third state (col. 4 lines 8-11).

Regarding claim 9, Ulveland discloses the method according to claim 7, comprising accepting an incoming call upon said transition from said second state to said third state after a transition from said first state to said second state (col. 4 lines 63-65, accept call if the cover passes trigger point).

Regarding claim 10, Ulveland discloses the method according to any claim 7, comprising activating a display upon transition from said first state to said second state (col. 4 lines 5-8).

Regarding claim 12. Ulveland discloses The method according to claim 7, comprising activating presentation of information of a new message on a display upon transition

Art Unit: 4173

from said first state to said second state(col. 4 lines 5-8).

Regarding claim 13, Ulveland discloses The method of claim 12, comprising activating presentation of the message upon transition from said second state to said third state (col. 4 lines 63-65, accept call if the cover passes trigger point).

Regarding claim 14, Ulveland discloses The method according to any claim 7, comprising activating presentation of information of an incoming call on a display upon transition from said first state to said second state (col. 4 lines 5-8).

Regarding claim 15, Ulveland discloses the method according to claim 7, comprising deactivating a display upon transition from said second state to said first state (col. 5 lines 48-52 process ends, therefore deactivating display).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulveland in view of Satoh et al. (US 7272423).

Regarding claim 8, Ulveland discloses the method of claim 7, wherein said detection comprises actuating an electromechanical switch; and generating an angle position signal by said electromechanical switch (col. 3 lines 50-56). Ulveland fails to disclose actuating an electromechanical switch by a cam. Satoh teaches a foldable phone with a rotating hinge using a cam. The cam taught by Satoh allows the casing of the mobile phone to be pivotably moved by the angle of 180 degrees along the desired direction (col. 12 lines 31-34). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the cam taught by Satoh into the position detection unit disclosed by Ulveland in order to control the movement of the mobile phone cover.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ulveland in view of Park et al. (US 7200224).

Regarding claim 11, Ulveland discloses the method according to claim 7 (col. 4 lines 1-19 activating a display), but fails to teach the method comprising scanning of a touch screen when said communication apparatus is in said third state. Park teaches a foldable cell phone that has a touch screen as a data input means as well as a display device (col. 4 lines 11-14). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate a touch screen taught by Park into the cell phone disclosed by Ulveland in order to extend the functions

Art Unit: 4173

of the mobile phone by providing a touch screen that performs dual functions (col. 4 lines 11-14).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bjorkengren (US 6295441) discloses a foldable electronic apparatus.

Kobayashi (Us2002/0173291) discloses a folding portable telephone capable of selectively using free stop function and one touch open function.

Lee (US 6751488) discloses an apparatus for operating the cover of a folding type mobile device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571)270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617